

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/767,699
Date Filed: January 29, 2004
Title: SYSTEM AND METHOD FOR CONTROLLING THE
DISCLOSURE OF A TRADING ORDER
Applicants: Thomas J. DALEY, et al.
Group Art Unit: 3691
Confirmation No.: 5670
Examiner: Bijendra K. Shrestha

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits herewith patents, publications or other information that may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as an admission that:

- a) a thorough search has been made;
- b) the information cited is, or is considered to be, material to patentability;
- c) no additional material information exists;
- d) Applicant agrees with any statement(s) in the information cited;
- e) any reference is prior art;
- f) any reference has been reviewed;
- g) any reference is analogous art;
- h) the listed publication date of any reference is the date on which the reference was actually first published;

i) the information cited is enabling or otherwise sufficient for the teachings purportedly proffered thereby.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

Applicants reserve the right to establish the patentability of any claim over any of the information provided.

The Examiner is specifically requested not to rely solely on the information submitted by Applicants in this Information Disclosure Statement or in other documents submitted by Applicants.

It is understood that the Examiner will consider information that has been previously considered by the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120 (other than an international application that designated the U.S.), as required by MPEP § 609.02.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98. The items listed on the accompanying PTO Form-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application.

The Examiner is respectfully requested to fully consider the items listed on the enclosed PTO Form-1449, to independently ascertain their teaching, and to initial beside each reference listed. Please return a copy of the initialed citation form to the Applicants' undersigned representative.

FEES AND/OR CERTIFICATIONS**I. No FEE DUE**

No fee is due for this Information Disclosure Statement because it is submitted:

- ☐ in compliance with 37 C.F.R. § 1.97(b)(1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d); and/or
- ☐ in compliance with 37 C.F.R. § 1.97(b)(2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application; and/or
- ☐ in compliance with 37 C.F.R. § 1.97(b)(3) before the mailing of a first Office Action on the merits; and/or
- ☐ in compliance with 37 C.F.R. § 1.97(b)(4) before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114.

II. FEE DUE AND/OR CERTIFICATION

A. This information Disclosure Statement is submitted after three months from the filing date, or after the mailing of a first Office Action on the merits, but prior to the mailing date of a final Office Action, a Notice of Allowance or any action that otherwise closes prosecution of the application, and thus:

- ☐ the statement specified in 37 CFR §1.97(e) is provided below in Section IV(A), or
- ☐ the fee set forth in 37 CFR §1.17(p) is enclosed.

B. This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

- ☐ the statement specified in 37 CFR §1.97(e) is provided below in Section IV(A), and the fee set forth in 37 CFR §1.17(p) is enclosed.

III. IDS SUBMITTED AFTER FINAL OFFICE ACTION

- ☒ This Information Disclosure Statement ("IDS") is being filed at a time when prosecution is closed or a nominally-final Office Action has been mailed. In the event prosecution is reopened on the filing of a request for continued examination, entry of this IDS is proper pursuant to 37 C.F.R. § 1.97(b)(4), and no fee is due. In the event that prosecution is reopened because of reconsideration by the PTO (e.g., withdrawal of finality of rejection, or reconsideration, vacatur or reversal of any rejection, or for any other reason), entry of this IDS is proper pursuant to 37 C.F.R. § 1.97(c)(2). Upon such entry, please charge the fee due under C.F.R. § 1.17(p) to Deposit Account No. 50-3938.

IV. CERTIFICATIONS**A. Certifications Specified under §1.97(e)**

- ☐ Pursuant to 37 C.F.R. §1.97(e)(1), the undersigned hereby certifies that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. *(A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed herewith); or*
- ☐ Pursuant to 37 C.F.R. §1.97(e)(2), the undersigned hereby certifies that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

B. Patent Term Certification Specified under §1.704(d)

- ☐ *Pursuant to 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*

Applicant herein authorizes the Commissioner to charge any fees specified above to Deposit Account No. 50-3938.

It is not believed that any additional fees are required beyond those that may otherwise be provided for in this paper or documents accompanying this paper. However, if additional fees are necessary to prevent abandonment of this application, then any fees required therefor are hereby authorized to be charged to Deposit Account No. 50-3938.

Respectfully submitted,

February 19, 2010
Date

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